



PUBLIC NOTICE

Federal Communications Commission
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DA 04-3397
Released: October 26, 2004

**DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS
OF CENTRAL TEXAS TECHNOLOGIES, L.P., BY TIME WARNER CABLE
INFORMATION SERVICES**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-397

Comments Due: November 9, 2004
Reply Comments Due: November 16, 2004

On October 4, 2004, Central Texas Technologies, L.P. ("CTT" or the "Transferor") and Time Warner Cable Information Services (Texas), L.P. d/b/a Time Warner Cable ("TWCIS" or the "Transferee") (together "Applicants") filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ requesting approval to transfer control of Section 214 authorization to provide domestic switched telecommunications service currently held by CTT so that TWCIS may acquire certain CTT assets.² The proposed transaction is being requested due to the sale of competitive local exchange and exchange access assets by CTT to TWCIS in certain specified Texas markets and the sale of customer accounts in certain Texas markets for resold switched domestic and international toll services.

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules because the transferee, TWCIS, will have a market share in the interstate interexchange market of less than 10 percent, the transferee will provide competitive telephone exchange services or exchange access services exclusively in

¹ 47 C.F.R §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² Applicants are also filing an application for consent to transfer authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

geographic areas served by a dominant local exchange carrier that is not a party to the proposed transaction, and neither applicant is dominant with respect to any service.³

CTT, a Texas limited partnership, is a competitive local exchange carrier authorized to offer telecommunications services in Texas, and also an integrated broadband services company that owns and operates “last mile” networks in a select group of new master planned communities in central Texas. CTT offers facilities-based local exchange and exchange access services, domestic and international long distance services, high-speed Internet access, and enhanced data services to its customers in Bee Cave, Kyle, and Leander, Texas.

TWCIS is a Delaware limited partnership that offers telephone service over cable facilities. These facilities rely on state-of-the-art technology capable of delivering multiple communications services to its customers, including digital cable television, voice telephony, and high-speed access to the Internet. TWCIS is beginning to offer local exchange and exchange access services in several communities in Texas. The ultimate parent company of TWCIS is Time Warner Cable, Inc., which in turn is a subsidiary of Time Warner, Inc. Comcast Corp., a publicly-held corporation, holds a 17.9% indirect interest in Time Warner Cable, Inc. No other entities hold equity interests of ten percent or more in TWCIS.

On August 31, 2004, the parties entered into an Asset Purchase Agreement (“Agreement”) to transfer certain telecommunications assets and customer accounts. CTT intends to transfer customer accounts in the Bee Cable, Kyle, and Leander, Texas communities to TWCIS. The Applicants state that approval of this transaction transferring CTT’s fiber, switches, and other telephony equipment and Section 214 authorization to TWCIS will allow the Transferee to provide high-quality switched telecommunications services to the Transferor’s customers utilizing the Transferor’s existing facilities and services from other providers.

Applicants state that the proposed transaction is in the public interest, convenience, and necessity because it will ensure continuity of service to CTT’s customers and promote competition in the domestic and international interexchange services markets.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules and policies. Interested parties may file **comments on or before November 9, 2004 and reply comments on or before November 16, 2004.**⁴ Unless otherwise notified by the Commission, Applicants are permitted to transfer assets

³ 47 C.F.R. § 63.03(b)(2)(i).

⁴ See 47 C.F.R. § 63.03(a).

on the 31st day after the date of this notice.⁵ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- (3) Alex Johns, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B418, Washington, D.C. 20554; e-mail: alexis.johns@fcc.gov;
- (4) Terri Natoli, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: terri.natoli@fcc.gov;
- (5) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (6) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394, or Alex Johns, at (202) 418-1167.

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